

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**CRISTA EGGERS, TERRELL
MCKINNEY, and NMM,**

Plaintiffs,

v.

**ROBERT EVNEN, Nebraska
Secretary of State,**

Defendant.

Case No. 4:22-cv-3089

**DEFENDANT'S UNOPPOSED
MOTION FOR EXTENSION OF
TIME TO FILE RESPONSIVE
PLEADING**

Defendant Robert Evnen, Nebraska Secretary of State, respectfully moves this Court for an extension of time to file his responsive pleading to Plaintiffs' Amended Complaint (Filing No. 43). Defendant's responsive pleading is currently due September 14, 2022, which is 14 days after the U.S. Court of Appeals for the Eighth Circuit issued its *decision* in the pending appeal of this Court's preliminary injunction. *See* Filing Nos. 36 & 44. Defendant requests that deadline be extended until 14 days after the Eighth Circuit issues its *mandate* in that appeal.

Defendant requests this extension because Plaintiffs are contemplating filing a petition for rehearing en banc in the pending appeal, and if they do, that will prolong the appeal. It will be more efficient to allow the appeal to conclude and the mandate to issue before resuming proceedings in this Court. If Plaintiffs decide not to file a petition for rehearing en banc, the Eighth Circuit will issue its mandate on September 21, 2022. *See* Fed. R. App. P. 40(a)(1) (deadline for petition for rehearing is 14 days

after entry of judgment); Fed. R. App. P. 41(b) (mandate issues 7 days after deadline for petition for rehearing). So any delay from this extension will be minimal.

Plaintiffs' counsel, Daniel Gutman, has indicated that Plaintiffs do not oppose the relief sought in this motion.

For these reasons, Defendant requests an order extending the deadline for his responsive pleading until 14 days after the Eighth Circuit issues its mandate in the pending appeal of this Court's preliminary injunction order.

Submitted September 12, 2022.

DEFENDANT ROBERT EVNEN

By: DOUGLAS J. PETERSON
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s/ James A. Campbell
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CERTIFICATE OF SERVICE

I certify that on September 12, 2022, I electronically filed the foregoing document with the Clerk of the United States District Court for the District of Nebraska using the CM/ECF system, causing notice of such filing to be served upon Plaintiffs' counsel of record.

s/ James A. Campbell
James A. Campbell